

REMARKS**I. Drawings**

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5), arguing that the drawings do not include the following reference sign(s) mentioned in the description: spring (194), referring to the specification, and paragraphs [0025] and [0026]. The Examiner indicated that corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. The Examiner indicated that any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The Examiner also indicated that each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). The Examiner also indicated that if the changes are not accepted, the Applicant will be notified and informed of any required corrective action in the next Office Action. The Examiner indicated that the objection to the drawings will not be held in abeyance.

The Applicant has amended the specification to properly refer to spring 104 instead of spring 194. The use of reference numeral 194 was simply an inadvertent minor error. It is believed that the cancellation of reference numeral 194 and the use of reference numeral 104 to refer to the spring is proper, as spring 104 is clearly shown in Applicant's Figures. It is believed that the objection to the drawings has now been overcome and that additionally there is not a need to submit replacement sheets. The Applicant respectfully requests withdrawal of the aforementioned objection to the drawings.

II. Specification

The Examiner object to the disclosure because of the following informalities: on page 13, line 30, change "next 608" to "nest 608". The Examiner indicated that appropriate correction is required. The Applicant has reviewed the specification and cannot find a reference at page 13, line 30 to the phrase "next 608". As such, the Applicant believes that this objection is improper. The Applicant requests either clarification from the Examiner regarding the phrase "next 608" or withdrawal of the aforementioned objection.

III. Claim Objections

The Examiner indicated that the numbering of claims is not in accordance with 37 CFR 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution. The Examiner indicated that when the claims are canceled, the remaining claims must be renumbered. The Examiner also indicated that when new claims are presented, they must be renumbered consecutively beginning with the number text following the highest numbered claims previously presented (whether entered or not). The Examiner indicated that mis-numbered claims 9-20 be re-numbered as claims 8-18.

The Applicant has therefore re-numbered claims 9-20 as claims 8-18. Based on the foregoing, the Applicant submits that the objection to claims 9-20 / 8-18 has been overcome. The Applicant respectfully requests withdrawal of this objection.

IV. Claim Rejections – 35 U.S.C. § 102**Requirements for Prima Facie Anticipation**

A general definition of *prima facie* unpatentability is provided at 37 C.F.R. §1.56(b)(2)(ii):

A *prima facie* case of unpatentability is established when the information *compels a conclusion* that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (*emphasis added*)

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the applicants' claims, the reference cited by the Examiner must disclose each element recited therein. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the applicants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, *i.e.*, show that the reference cited by the Examiner fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

Ziolkowski et al.

Claims 1-12 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Ziolkowski et al, hereinafter "Ziolkowski" (U.S. Patent No. 6,222,151).

The Examiner argued that Ziolkowski discloses a weld fixture apparatus, comprising: a fixture (citing reference numeral 20) with a base (citing reference numeral 11) upon which an integrated circuit package (citing reference numeral 21b) associated with a spring (citing reference numeral 21), wherein the load bar provides a specific weight to said fixture base in order to assist in maintaining said integrated circuit package cover and said housing parallel to one another upon the fixture base (citing reference numeral 11); and an adjustable load foot (citing reference numeral 25) located above the fixture base, wherein the adjustable load foot applies a pre-determined load with a specific weight to the integrated circuit package in order to maintain the integrated circuit package cover and the housing securely to be welded together, further comprising a plurality of guideposts (citing reference numerals 23, 24 integrated with the load bar in order to assist in maintaining the integrated circuit package cover and the integrated circuit housing parallel to one another upon the fixture base (citing column 1, lines 60 to column 3, lines 67 and Figures 1, 2, 3, and 6).

The Applicant respectfully disagrees with this assessment. A number of the features of Ziolkowski cited by the Examiner do not correspond with the features of Applicant's invention. For example, the Examiner referred to reference numerals 23, 24 of Ziolkowski as constituting "guideposts". A review of Ziolkowski, however, indicates otherwise.

The Examiner cited reference numeral 21b of Ziolkowski, arguing that reference numeral 21b constitutes a load bar as taught by Applicant's invention. As Applicant's FIG. 1 indicates, the load bar 110 is generally associated with a spring 104 and receives the spring 104. Reference 21b of Ziolkowski, on the other hand does not refer to a load bar that receives a spring but refers to a spring end 21b that is a part of spring 21 of Ziolkowski. How does spring end 21b function as a load bar as taught by Applicant's invention, including a load bar that receives a

spring? Thus, the Applicant submits that reference numeral 21b of Ziolkowski does not refer to a load bar as taught by Applicant's invention. Additionally, how does the component 21b provide a specific weight to the fixture base in order to assist in maintaining the integrated circuit package cover and housing parallel to one another on the fixture base? Which portion of Ziolkowski discloses the feature of: said load bar receives said spring and provides a specific weight to said fixture base in order to assist in maintaining said sensor cover and said sensor base parallel to one another upon said fixture base. Additionally, Applicant's amended claim 1 and specification teach that the load bar 110 is perpendicular to the spring 104. The component 21b (spring end) of Ziolkowski is not perpendicular the spring 21 of Ziolkowski. The Examiner has not identified which specific sections or features of Ziolkowski show all of these claim limitations.

The Applicant further notes that Column 3, line 21, 22 of Ziolkowski refers to a magnetic base 23 and not a guidepost as taught by Applicant's invention. How does a magnetic base 24 constitute a guidepost as taught by Applicant's invention? Applicant's invention teaches a plurality of guideposts 112 and 113, which function as locator pins associated or integrated with the load bar 110 in order to assist in maintaining the sensor cover and the sensor base of sensor package 101 parallel to one another upon fixture base 102. The Magnetic base 23 of Ziolkowski does not function operate as a post in this manner. How is a base the same thing as a post? The magnetic base 23 is thus not a "guidepost" as taught by Applicant's invention. Reference numeral 24 of Ziolkowski refers to a vertical extension 24 but does not indicate that such a vertical extension constitutes a "guidepost" as taught by Applicant's invention. Additionally, it is important to note that Ziolkowski does not teach a plurality of guideposts. How is a plurality of guideposts taught by Ziolkowski when neither the magnetic base 23 nor the vertical extension 24 constitutes a plurality of guideposts.

Based on the foregoing, the Applicant submits that the rejection to claim 1 fails under the aforementioned prima facie obviousness test. That is, the Ziolkowski reference cited by the Examiner fails to disclose every element in Applicant's claim 1. The Applicant reminds the Examiner that if even one claim limitation of Applicant's rejected claim(s) is lacking in the cited reference (i.e., Ziolkowski), then the reference under 35 U.S.C. § 102(b) based on that reference fails. The Applicant therefore submits that the rejection to claim 1 under 35 U.S.C. § 102(b) has been traversed. The Applicant also submits that the arguments presented above against the rejection to claim 1 also applies to the rejection to claims 2-9. As such, the Applicant respectfully requests withdrawal of the 102 rejection to claim 1 and claims 2-9.

Regarding claims 5-9, the Examiner indicated that attention is drawn to the fact that the features disclosed in the welding fixture of Ziolkowski are inherently suitable for holding an object to be welded by stitch, tack or laser welding. The Applicant submits that the Examiner's arguments against claims 5-9 are irrelevant in light of the fact that claim 1 has been traversed as indicated above. Additionally, Ziolkowski provides no disclosure or teaching of stitch, tack or laser welding.

Regarding claims 3 and 4, the Examiner argued that such claims are drawn to a recitation of the intended use of the claimed invention must result in structural differences between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. The Examiner argued that if the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding the [object to be welded (SAW), sensor], the Examiner asserted that these limitations are directed to a manner of operating the apparatus to make a sensor. The Examiner asserted that the neither the manner of operating a disclosed device nor material/article worked upon further limit an apparatus claims.

The Examiner argued that these limitations do not differentiate the apparatus claims from the prior art. Additionally, the Examiner argued that the intended use limitations, such as "making a sensor" and "wherein said object to be welded comprises a sensor device" do not have patentable weight in an apparatus claim.

The Applicant notes that claims 3 and 4 have been cancelled by amended as indicated herein, thereby rendering the Examiner's arguments with respect to claims 3 and 4 moot.

V. Allowable Subject Matter

The Examiner objected to claims 13-18 as being dependent upon a rejected base claim. The Examiner indicated that claims 13-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant has therefore amended the claims such that the claim limitations of claims 13-18 are now incorporated into claim 11. Amended claim 11 is thus a rewritten independent form of claims 13-18 including all of the limitations of the base claim and intervening claims.

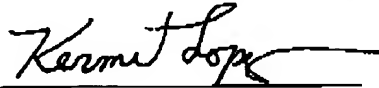
VI. Conclusion

In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action. The Applicant has clarified the structural distinctions of the present invention. The Applicant has also amended the claims and specification and submits that such amendments are proper and do not constitute new matter.

Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §102 based on the preceding remarks. Reconsideration and allowance of Applicant's application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,



Dated: February 20, 2006

Kermit Lopez
Attorney for Applicants
Registration No. 41,953
ORTIZ & LOPEZ, PLLC
P.O. Box 4484
Albuquerque, NM 87196-4484